

“(2) REQUIREMENT.—The framework under paragraph (1) shall be”;

(6) in subsection (f)—

(A) by striking “(f) The” and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

(B) in the second sentence, by striking “All funds” and inserting the following:

“(2) TRANSFER OF REMAINING FUNDS.—All funds”; and

(7) by striking subsection (g).

#### SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31), is amended by striking “SEC. 32. Nothing” and inserting the following:

#### “SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”

“Nothing”.

### TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

#### SEC. 201. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

#### SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

#### SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

#### SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

#### SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

#### SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

#### SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

#### SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

#### SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of

the provision to other persons or circumstances shall be affected.

#### SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

#### SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the “New Lands” of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

#### SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

#### SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

#### SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

#### SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.